

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

- against -

Stipulation and Proposed Order

MIMEDX GROUP, INC.,  
PARKER H. PETIT,  
WILLIAM C. TAYLOR,  
MICHAEL J. SENKEN,

No. 19 Civ. 10927 (NRB)

Defendants.

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WHEREAS, on February 18, 2020, the Government submitted a motion seeking a partial stay of discovery, in light of the pendency of the parallel criminal action *United States v. Parker Petit and William Taylor*, 19 Cr. 850 (JSR) (the "Criminal Case"), and

WHEREAS, defendants Parker H. Petit, William C. Taylor, and Michael J. Senken (the "Defendants") initially opposed the partial stay sought by the Government, in memoranda of law filed on or about March 3, 2020, and

WHEREAS, the parties have since conferred and reached agreement that a partial stay, subject to the terms set forth below, is appropriate, and

WHEREAS, plaintiff Securities and Exchange Commission (the "SEC") takes no position on the request for a stay; and

WHEREAS, the Court finds that a partial stay is in furtherance of the interests of justice; it is hereby

**ORDERED** that discovery in this action is stayed in its entirety with the following specific exceptions, which may proceed during the pendency of the Criminal Case, subject to the exceptions set forth herein:

(a) Party document discovery may proceed during the pendency of the Criminal Case, except that the production of the following categories of documents shall be stayed:

1. Communications, written or oral, with the Government and/or other law enforcement agencies;
2. Communications, written or oral, with counsel for MiMedx Group, Inc. or its audit committee, including any factual presentations;
3. Documents obtained by the SEC from the Government and/or other law enforcement agencies;
4. Transcripts of testimony and notes of or memoranda describing interviews with; written statements made or adopted in the course of an interview by; or correspondence concerning interviews of any person whom the Government designates to the SEC as an individual who may be called as a witness in the Criminal Action; and
5. Disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(i).

(b) Except as set forth above, the defendants are authorized to seek only the following discovery, subject to Government pre-approval as outlined below:

1. Audit laptops from Cherry Bekaert and Ernst & Young;
2. Document requests to Ernst & Young, restricted to Avkare-related topics only; and
3. Document requests to Scott Taub, Avkare, and current or former employees of Avkare, restricted to Avkare-related topics only.

(c) As to items (b)(2) and (b)(3) above, the defendants' discovery demands shall be submitted to the Government for approval prior to being served. The Government will have the unilateral right to strike or modify portions of any discovery demand that it believes, in good faith, will implicate the Criminal Case.

(d) The defendants may depose only Avkare, current or former employees of Avkare, and Scott Taub, restricted to Avkare-related topics only. The defendants' deposition notices shall be submitted to the Government for prior approval before being served. The Government will have the unilateral right to strike or modify any deposition notice it believes, in good faith, will implicate the Criminal Case.

3. All other discovery is hereby stayed, including, for avoidance of doubt, all depositions, interrogatories, requests for admission, document requests, third-party discovery, issuance of subpoenas, and other forms of discovery besides the specific enumerated categories expressly set forth herein and subject to the limitations above, until the conclusion of the Criminal Case.

4. The parties agree that, in the event that the trial in the Criminal Case set to begin on July 7, 2020: (a) is adjourned for at least 90 days, or (b) results in a mistrial, they will revisit in good faith the terms of the agreed stay, with defendant Michael Senken reserving his right to seek relief from the Court.

STIPULATED AND AGREED:

GEOFFREY S. BERMAN  
United States Attorney

By: *Edward Imperatore*

Edward Imperatore  
Scott Hartman  
Daniel Tracer  
Drew Skinner  
Assistant United States Attorneys

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Michael Packard, Esq.  
Michael Carlinsky  
Attorneys for William Taylor

Mark Cohen, Esq.  
Christian Everdell, Esq.  
Nathaniel Read, Esq.  
Joanna Chan, Esq.  
Attorneys for Michael Senken

SO ORDERED:

HONORABLE NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE

DATE



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United States Attorney

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Attorneys for Michael Senken

SO ORDERED:

Naomi Reice Buchwald  
HONORABLE NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE

3/11/20  
DATE